

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

**UNITED STATES OF AMERICA EX REL.
ROBERTS**

CIVIL ACTION NO. 02-2199

VERSUS

JUDGE ROBERT G. JAMES

AGING CARE HOME HEALTH, INC., ET AL.

MAG. JUDGE JAMES D. KIRK

JUDGMENT

For the reasons set forth in this Court’s Ruling,

IT IS ORDERED, ADJUDGED, AND DECREED that the United States’ “Motion for Partial Summary Judgment against Otis Davis on Count I (False Claims Act: Presentation of False Claims) (31 U.S.C. § 3729(a)(1); Count II (False Claims Act: Making or Using False Record or Statement to Cause Claim to Be Paid) (31 U.S.C. § 3729(a)(2)); Count III (False Claims Act: Using a False Record to Avoid Payment) (31 U.S.C. § 3729(a)(7)); Count IV (Payment by Mistake); and Count V (Unjust Enrichment)” (“Motion for Partial Summary Judgment”) [Doc. No. 237] is GRANTED IN PART and DENIED IN PART. The Motion is GRANTED as to the Government’s claims of payment by mistake, unjust enrichment, and under the FCA §§ 3729(a)(1) and (a)(2). The Motion is DENIED as to the Government’s claim under the FCA § 3729(a)(7).

Judgment is entered in favor of the Government and against Mr. Davis in the amount of \$1,282,511.64 in damages and \$3,382,500.00 in fines, for a total of \$4,665,011.64. The Government is awarded post-judgment interest on the total award at the legal rate set by 28 U.S.C.

§ 1961(a) computed daily and compounded annually from the date of entry of this Judgment until the Government is paid in full.

MONROE, LOUISIANA, this 25th day of July, 2008.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE